

PATENT COOPERATION TREATY

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From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION

(PCT Rule 66)

To:

MACDOUGALL, Alan J S
BERESFORD & CO
2-5 Warwick Court
High Holborn
London WC1R 5DJ
GRANDE BRETAGNE

RECEIVED
25 APR 2000
BERESFORD & Co.

Date of mailing (day/month/year)	19.04.2000
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Applicant's or agent's file reference
AM/5276299

REPLY DUE	within 3 month(s) from the above date of mailing
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International application No.
PCT/GB99/02356

International filing date (day/month/year)
21/07/1999

Priority date (day/month/year)
21/07/1998

International Patent Classification (IPC) or both national classification and IPC
G01R31/36

Applicant

METRIX LIMITED et al.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☐ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☒ Certain document cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.


4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 21/11/2000.

Entered By: *OA*

Due: *19 / 7 / 2000*

Bring Up: *30, 4 252*

Name and mailing address of the international preliminary examining authority:

 European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

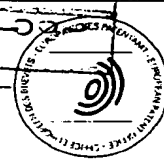
Authorized officer / Examiner

Jakob, C

Formalities officer (incl. extension of time limits)

Magro, J-M

Telephone No. +49 89 2399 2483



WRITTEN OPINION

International application No. PCT/GB99/02356

I. Basis of the opinion

1. This opinion has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".*):

Description, pages:

1-35 as originally filed

Claims, No.:

1-50 as originally filed

Drawings, sheets:

1/14-3/14, 7/14-10/14, as originally filed
12/14-14/14

4/14-6/14, 11/14 filed with the demand

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

3. This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been and will not be examined in respect of:

- ☒ the entire international application,
- ☐ claims Nos. ,

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- see separate sheet**
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☐ no international search report has been established for the said claims Nos. .

IV. Lack of unity of invention

1. In response to the invitation (Form PCT/IPEA/405) to restrict or pay additional fees, the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with for the following reasons and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees:

see separate sheet

3. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this opinion:

- ☒ all parts.
- ☐ the parts relating to claims Nos. .

VI. Certain documents cited

1. Certain published documents (Rule 70.10)

and / or

2. Non-written disclosures (Rule 70.9)

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Section III

Taking into account the objection raised in section VIII. 1.1. below, it is not at present practicable to carry out an examination of the application as to novelty, inventive step and industrial applicability.

Section IV

1. Reference is made to the following document:

D1: EP-A-0 657 745.

The document D1 was not cited in the International Search Report. A copy of the document is appended hereto (see also Article 33(6) PCT).

2. The application lacks unity within the meaning of Rule 13.1 PCT because the common concept linking together all the independent claims 1, 26, 33 to 35, 37 46, 48 and 50, i.e.
 - a plurality of systems (see also document D1, figure 1, reference sign 1); and
 - a plurality of cell signalling devices (figure 1, reference sign 3), each to be powered by a respective one or more of the plurality of systems (cf. column 5, lines 6 to 13), wherein each cell signalling device comprises a communication device (9, 17) suitable for transmitting and/or receiving a signal (cf. column 3, lines 30 to 36),is disclosed in combination in document D1 (see also page 3, lines 21 to 26 of the present description).

Further, among other things, document D1 discloses a battery (figure 1, reference sign 2) consisting of plurality of series-connected battery cells (1), and a signalling system with a plurality of cell signalling devices (figure 1, reference sign 3) associated to and powered by a respective one or more of the plurality of battery cells (cf. column 5, lines 6 to 13); and a communication link (L) for connecting an output terminal (S) of a first cell signalling device to an input terminal of a second

cell signalling device (S); wherein

- the second signalling devices (3) are connected in series by the communication link (see figure 1) and are arranged to transmit signals in one direction along the series connection communication link (cf. column 3, lines 30 to 36),
- the communication link comprises a single wire (L) connecting the output terminal of one signalling device to the input terminal of an adjacent signalling device,
- each cell signalling device (3) comprises a signal receiver (9) and a signal transmitter (17) as well as at least one sensor (4), and
- the signals to be transmitted comprise square-wave signals (see figure 5, reference sign TI).

Section VI.1

Certain published documents (Rule 70.10):

Application No	Publication date	Filing date	Priority date (<i>valid claim</i>)
Patent No	(<i>day/month/year</i>)	(<i>day/month/year</i>)	(<i>day/month/year</i>)
WO 98/32181 A	23.07.1998	20.01.1998	21.07.1997

The priority of the present application being found valid, the document WO 98/32181 A, which was not cited in the International Search Report (cf. Article 33(6) PCT), is not considered part of the prior art for the International Preliminary Examination. A copy of the document is appended hereto.

Section VII

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.
2. The features of the claims are not provided with reference signs placed in parentheses as required by Rule 6.2(b) PCT (see also the PCT Guidelines

PCT/GL/3 III, 4.11).

3. In the description part of the present application, a patent is "incorporated by reference" (see page 33, line 30). As the application should be self-contained, the part "incorporated by reference" of these phrases should be deleted (see Article 5 PCT and the PCT Guidelines, PCT/GL/3 II, 4.17).

Section VIII

1. The application does not meet the requirements of Article 6 PCT, because the claims are not clear.
 - 1.1 Although claims 1, 26, 33 and 34 have been drafted as separate independent claims, they relate to the same subject-matter and differ from each other only with regard to the definition of the subject-matter for which protection is sought. The same objection is raised concerning claims 35, 37, 46, 48 and 50. The claims 1, 26, 33 to 35, 37, 46, 48 and 50 therefore lack conciseness. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it impossible to determine the matter for which protection is sought, and places an undue burden on those seeking to establish the extent of the protection.
 - 1.2. As claims 26 and 48 respectively refer to a signalling device as well as to the use of such a device in a signalling system, their category is not defined unambiguously (Article 6 PCT and the Guidelines PCT/GL/3 III, 4.1). Similarly, the category of claim 46 is not defined unambiguously as it refers to a cell signalling device as well as to the use of such a device in a battery.
 - 1.3. Claim 28 is unclear because of its undefined relation to claims 1 to 25. In particular the signification of the expression "the cell signalling features" is obscure.
 - 1.4. Claim 49 is unclear because its subject-matter is not defined unambiguously, since it relates to a cell signalling device as well as to a battery cell.

1.5. According to Article 6 PCT, the description shall fully support the claims (cf. the Guidelines PCT/GL/3 III, 6.1; see also Rule 5.1 (a) (iii) PCT).
However, the part of the description defining the invention (page 4, line 4 to page 6, line 15) does not contain a definition of the invention as claimed in claims 35 to 50.

2.1. The applicant is requested to file new claims taking account of the above comments by way of replacement pages in the manner stipulated by Rule 66.8(a) PCT. In view of the requirements of Article 6 PCT as to conciseness and the provisions of Rule 6.4 (a) and (c) PCT, the appropriate form of claims in these circumstances appears to consist in a set of claims comprising one independent claim per category specifying the general embodiment followed by dependent claims stating the optional features only (see also the PCT Guidelines PCT/GL/3 III, 5.1).

The attention of the Applicant is drawn to the fact that the application may not be amended in such a way that it contains subject-matter which extends beyond the content of the application as filed (Article 19(2) PCT and Article 34(2) b) PCT).

2.2. To facilitate the examination of the amended application with regard to the requirements of Article 34(2)b) PCT, the applicant is invited

- to identify clearly the amendments carried out, and
- to indicate the passages of the application as filed on which these amendments are based

(see Rule 66.8 PCT and the PCT Guidelines PCT/GL/3 VI, 7.2).